

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR362
)	
V.)	
)	
KEITH L. DYSON,)	ORDER
)	
Defendant.)	
)	

This matter is before the court on defendant Keith L. Dyson's Motion to Reconsider (Filing No. 39) this court's order (Filing No. 38) denying his Motion to Vacate under 28 U.S.C. § 2255 (Filing No. 37). Upon review of the defendant's motion (Filing No. 37), the court concluded that defendant's motion was properly construed as a motion for a reduction of his sentence, and was not properly presented as a § 2255 motion. See Filing No. 38. In his present motion to reconsider, Dyson notes that the court misinterpreted his motion to reduce his sentence when the court stated that the defendant requested the court to "reduce his sentence by ten years." Filing No. 38. The defendant states that in his original motion, the defendant asked this court to reduce his sentence by two years, not ten years. See Filing Nos. 37 and 39. Based on this discrepancy, the defendant asks the court to reconsider its order denying his request for a reduction in his sentence.

His request is denied. While the court notes that it did misinterpret his original request, and it is true he only requested a two-year reduction and not a ten-year reduction, the court is without jurisdiction to consider such a reduction in the defendant's sentence. Pursuant to 18 U.S.C. § 3582(c), this court does not have jurisdiction to modify a term of imprisonment once it has been imposed, except in a limited number of exceptions, none

of which apply to the present case. See 18 U.S.C. § 3582(c)(1) and (c)(2). Because the defendant has not presented any “extraordinary and compelling reasons [that] warrant such a reduction,” 18 U.S.C. § 3582(c)(1)(A)(i), the court denies the defendant’s motion to reconsider its previous decision. This court is without jurisdiction to consider a change in the defendant’s sentence. Accordingly,

IT IS ORDERED that defendant’s motion to reconsider, Filing No. 39, is denied.

DATED this 1st day of May, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Court Judge